

HOUSE BILL 3857

By Tidwell

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to methamphetamine
and immediate precursors thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-431, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c) A pharmacy, or chain of pharmacies owned by the same parent company, shall not sell to the same person more than three (3) individual packages of any nonexempt product containing any immediate methamphetamine precursor, nor shall a pharmacy sell to the same person any combination of the products containing more than nine (9) grams of ephedrine, pseudoephedrine, or their salts, isomers, or salts of isomers, during the same thirty-day period. The nine-gram limit shall apply to the total amount of base ephedrine and pseudoephedrine contained in the products, and not the overall weight of the products. The prohibition contained in this subsection (c) shall not apply to a person who obtains the product or products pursuant to a valid prescription issued by a licensed physician, certified physician assistant, or nurse authorized pursuant to § 63-6-204, who is rendering service under the supervision, control and responsibility of a licensed physician and who meets the requirements pursuant to § 63-7-207(14).

(d) The pharmacist, or any pharmacy technician or pharmacy intern under the supervision of the pharmacist, shall require any person purchasing a nonexempt product that contains any immediate methamphetamine precursor to present valid government issued identification at the point of sale. The pharmacist, pharmacy technician or

pharmacy intern shall maintain an electronic record of the sale under this subsection (d) and the record may be maintained in the form of a pharmacist prescription order as provided by § 63-10-206(c). The electronic record shall include the name of purchaser; name and quantity of product purchased; date purchased; purchaser identification type and number, such as driver license state and number; and the identity, such as name, initials, or identification code, of the dispensing pharmacist, pharmacy technician or pharmacy intern. If a system is not able to record the identification type and number, the pharmacist, pharmacy technician or pharmacy intern shall write the identification type and number on the prescription order. The electronic record shall also be maintained in a manner that allows for the determination of the equivalent number of packages purchased and total quantity of base ephedrine or pseudoephedrine purchased. This record shall be shared between pharmacies belonging to the same chain or parent company. Pharmacies not having their own electronic recording ability shall use the one provided at no cost by the Meth Task Force. The obligation of meeting the requirements of this subsection (d) rests with the pharmacist.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.